

House Amendment to
Senate Joint Resolution 2006

S-5239

1 Amend Senate Joint Resolution 2006, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the resolving clause and
4 inserting:

5 <Section 1. The following amendment to the Constitution of
6 the State of Iowa is proposed:

7 Section 4 of Article IV of the Constitution of the State of
8 Iowa, as amended by amendment number 1 of the Amendments of
9 1952 and by amendment number 1 of the Amendments of 1988, is
10 repealed and the following adopted in lieu thereof:

11 **Election by general assembly in case of tie — inability of**
12 **governor-elect to qualify — succession by lieutenant governor —**
13 **inauguration of governor and lieutenant governor upon removal of**
14 **inability of governor-elect to qualify. SEC. 4.** The nominees
15 for governor and lieutenant governor jointly having the highest
16 number of votes cast for them shall be declared duly elected.
17 If two or more sets of nominees for governor and lieutenant
18 governor have an equal and the highest number of votes for
19 the offices jointly, the general assembly shall by joint vote
20 proceed, as soon as is possible, to elect one set of nominees
21 for governor and lieutenant governor.

22 If after the final canvass of votes but before inauguration
23 the governor-elect has since died, does not qualify, or
24 is permanently unable to become governor, the lieutenant
25 governor-elect shall become the governor upon inauguration, to
26 the exclusion of any other office, for the residue of the term.

27 In the event of a temporary inability of the governor-elect
28 to assume office, the lieutenant governor-elect shall become
29 governor upon inauguration, until the inability is removed, at
30 which time, the governor-elect and lieutenant governor-elect
31 shall become governor and lieutenant governor, respectively,
32 upon inauguration.

33 Section 10 of Article IV of the Constitution of the State of
34 Iowa is amended to read as follows:

35 **Vacancies — lieutenant governor vacancy.** SEC. 10. When

1 any office, excluding the office of lieutenant governor,
2 shall, from any cause, become vacant, and no mode is provided
3 by the constitution and laws for filling such vacancy, the
4 governor shall have power to fill such vacancy, by granting a
5 commission, which shall expire at the end of the next session
6 of the general assembly, or at the next election by the people.

7 When the office of lieutenant governor shall, from any
8 cause, become vacant, and no mode is otherwise provided by the
9 constitution for filling such vacancy, the governor shall have
10 power to fill such vacancy for the residue of the term, by
11 granting a commission, which shall expire as provided in the
12 constitution.

13 Section 17 of Article IV of the Constitution of the State of
14 Iowa is repealed and the following adopted in lieu thereof:

15 **Lieutenant governor to become governor — filling of**
16 **lieutenant governor vacancy. SEC. 17.** In case of death,
17 impeachment, resignation, removal from office, or other
18 inability to serve of the governor, the lieutenant governor
19 shall succeed and become the governor, to the exclusion of any
20 other office. If the preceding governor thereafter becomes
21 able to serve, the preceding governor shall become governor and
22 the succeeding governor shall resume the office of lieutenant
23 governor, to the exclusion of any other office, each for the
24 residue of the term, respectively. If the succeeding governor
25 has filled a vacancy in the office of lieutenant governor
26 by granting a commission, that commission shall expire upon
27 the resumption of the office of lieutenant governor by the
28 preceding lieutenant governor.

29 Section 19 of Article IV of the Constitution of the State
30 of Iowa, as amended by amendment number 2 of the Amendments of
31 1952 and by amendment number 2 of the Amendments of 1988, is
32 repealed and the following adopted in lieu thereof:

33 **Succession to office of governor and lieutenant governor —**
34 **simultaneous inability to serve — qualification of successor**
35 **governor to office. SEC. 19.** If the governor and lieutenant

1 governor are simultaneously unable to serve, the president of
2 the senate shall become governor, followed by the speaker of
3 the house of representatives if the president of the senate
4 is unable or unwilling to serve, followed by the president
5 pro tempore of the senate if the speaker of the house of
6 representatives is unable or unwilling to serve, followed
7 by the speaker pro tempore of the house of representatives
8 if the president pro tempore of the senate is unable or
9 unwilling to serve, each succeeding, to the exclusion of any
10 other office. If none of the above are able or willing to
11 serve as governor and the general assembly is not in session,
12 the justices of the supreme court shall convene the general
13 assembly by proclamation and the general assembly shall
14 organize by the election of a president of the senate and a
15 speaker of the house of representatives. The president-elect
16 of the senate shall then become governor. If at that time the
17 president-elect of the senate is unable or unwilling to serve,
18 the speaker-elect of the house of representatives shall become
19 governor.

20 If the governor so succeeded becomes able to serve, the
21 governor so succeeded shall resume the office of governor. If
22 the lieutenant governor so succeeded becomes able to serve
23 while the governor so succeeded remains unable to serve, the
24 lieutenant governor so succeeded shall assume the office of
25 governor.

26 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
27 amendment to the Constitution of the State of Iowa is referred
28 to the general assembly to be chosen at the next general
29 election for members of the general assembly, and the secretary
30 of state is directed to cause the proposed amendment to be
31 published for three consecutive months previous to the date of
32 that election as provided by law.>